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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 MARSHALL GREENE,

Case No. 2:19-cv-02165-GMN-NJK

10 Petitioner,

ORDER

11 v.

12 ATTORNEY GENERAL OF THE STATE
OF NEVADA, et al.,

13 Respondents.
14

15 Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to
16 28 U.S.C. § 2254 (ECF No. 1-1). However, petitioner has failed to submit an application
17 to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been
18 properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a new
20 petition in a new action with either the \$5.00 filing fee or a completed application to
21 proceed *in forma pauperis* on the proper form with both an inmate account statement for
22 the past six months and a properly executed financial certificate.

23 It does not appear from the papers presented that a dismissal without prejudice
24 will materially affect a later analysis of any timeliness issue with regard to a new action
25 filed in a timely manner after petitioner has exhausted all available state remedies.
26 Petitioner at all times remains responsible for properly exhausting his claims, for
27 calculating the running of the federal limitation period as applied to his case, and for
28 properly commencing a timely-filed federal habeas action.

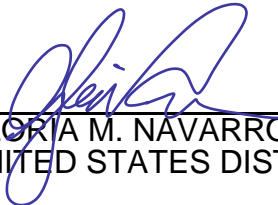
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IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice as set forth in this order.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

IT IS FURTHER ORDERED that the Clerk shall **ENTER JUDGMENT** accordingly and close this case.

DATED: 14 January 2020.



GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE